

Remarks

Claims 1-38 are pending in the subject application. In response to the Restriction Requirement mailed May 24, 2007, Applicants hereby provisionally elect to prosecute the claims of Group III with traverse.

Lack of Unity

In the May 24, 2007 Office Communication, the Examiner required restriction to one of the following groups under 37 CFR 1.499:

Group I, claims 1-35, drawn to a chemical compound, pharmaceutical composition, and process of preparing a chemical compound of formula 1;

Group II, claim 36, drawn to a method of treating a subject suffering from an affective disorder using a chemical compound of formula 1;

Group III, claim 37, drawn to a method of treating a subject suffering from a urinary disorder using a chemical compound of formula 1; and

Group IV, claim 38, drawn to a method of treating a subject suffering from an eating disorder using a chemical compound of formula 1.

The Examiner stated she believes that a lack of unity exists, as defined in Rule 13 and stated that the instant application contains inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner further stated that the application does not meet the requirement for Unity of Invention since the permissible combinations under Annex B, Part 1(e) are lacking.

In order to be fully responsive, Applicants hereby elect, with traverse, the claims of Group III. However, Applicants respectfully assert that the specification and claims 1-38 clearly relate to a genus of compounds that are closely related, as they share the core structure of formula 1 in claim 1. The compounds of formula 1 are MCH1 receptor antagonists, and the use of the compounds is the treatment of an affective disorder, a urinary disorder and an eating disorder.

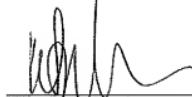
Applicants also wish to direct the Examiner to the MPEP guidelines for Determination of Unity of Invention (MPEP §1850). MPEP §1850 states that lack of unity "should neither be raised nor maintained on the basis of a narrow, literal or academic approach." According to the MPEP, "If the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on independent claims."

Accordingly, Applicants believe that the lack of unity should not be raised nor maintained and respectfully request reconsideration of the restriction requirement and examination of the claimed subject matter on the merits.

If a telephone interview would be of assistance in advancing prosecution of the above-identified application, Applicants' undersigned agent invites the Examiner to telephone the number provided below.

No additional fee, other than the fee for a two-month extension of time being concurrently filed, is deemed necessary with the filing of this Communication. However, if any additional fee(s) is required, authorization is given to charge such fee(s) to Deposit Account No. 50-3201.

Respectfully submitted,



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